



Appeal Decision

Site visit made on 28 July 2020 by S Watson BA(Hons) MSc

Decision by Sarah Housden BA(Hons) BPI MRTPI

An Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/D4635/Z/20/3250015

Land east of 22-26 Willenhall Road, Wolverhampton WV1 2HQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK against the decision of Wolverhampton City Council.
 - The application Ref 20/00081/ADV, dated 29 January 2020, was refused by notice dated 25 February 2020.
 - The advertisement proposed is replacement of two 48-sheet displays with illuminated D-Poster 48-sheet displays.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of two 48-sheet displays with illuminated D-poster 48-sheet displays as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) Prior to the use of the hereby approved advertising units, they shall be equipped with a sensor that monitors the ambient light conditions and adjusts the brightness of the display accordingly. The intensity of the illumination shall be no greater than 600 candela/sqm during the day and 150 candela/sqm during the hours of darkness.
 - 2) The hereby approved advertisement units shall not operate between the hours of 00.00 and 05.00 hours.
 - 3) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 - 4) The sequencing of messages relating to the same product is prohibited.
 - 5) The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - 6) The advertising display panels shall have a default mechanism to freeze an advertisement in the event of any malfunction.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the visual amenity of the street scene.

Reasons for the Recommendation

4. The Council has drawn my attention to the policies and guidelines it considered to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, the powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The *National Planning Policy Framework* (the Framework) and the *Planning Practice Guidance* (PPG) reiterate this approach. In the case of this appeal, there are no public safety concerns. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
5. The appeal site is on the south side of the A454 Willenhall Road, a main arterial road to the centre of Wolverhampton. The site contains a substantial, solid fence and advertisements which form the boundary between Willenhall Road and a large industrial estate to the south. The street scene is predominantly characterised by its commercial and somewhat utilitarian appearance and variety of uses. I noted a high level of advertising on both sides of the road, including three other 48-sheet displays, one of which was digital. On the opposite side of the road to the appeal site there is a significant band of greenery which screens from the road, what appear to be, buildings used for D1 purposes.
6. During my site visit I noted a similar, digital advertisement screen to the east, next to a petrol filling station. The proposed advertisement screens would be seen in the context of the existing large advertisements along the south side of the road, which include this digital example.
7. The existing advertisement boards, both at the appeal site and the two immediately to the east, are in prominent positions on the south side of the road. They are also angled and raised off the ground which further increases their visibility from the highway. Although the poster displays would be of the same dimensions as the existing displays, the proposed replacements would be positioned at a higher level than the existing advertisements and, due to the intrinsic nature of the digital screens, would be internally illuminated. Given the size and scale of the existing advertisements on the appeal site and in the wider area, I find that the increase in height would be relatively limited and would not have an unacceptable impact on the street scene.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

8. The illuminated digital screens would result in the advertisements being more prominent in the street scene. This would be especially so in low light levels, such as at night. The appellant has proposed a condition to limit the hours of use of the advertisements between the hours of 00:00 and 05:00 hours. Whilst the advertisements would be illuminated during some of the hours of darkness, particularly during the winter months, I do not consider that this would cause material harm to the visual amenity of the area given its commercial character and the presence of streetlights. In addition, a condition has also been proposed by the appellant to restrict luminance levels which would also assist in reducing the visual impact of the proposed advertisements.
9. I am not aware of any restrictions on the existing advertisement boards requiring them to advertise nearby business premises. As such I find that it would be acceptable for the proposed replacements to likewise be unrestricted in this regard.
10. In conclusion I find that the proposal would not be harmful to the visual amenity of the street scene by way of its illumination, scale and position. As such the proposal would also comply with the high-quality design goals of Policies D9 and EP19 of the Wolverhampton Unitary Development Plan and Policies CSP4 and ENV3 of the Black Country Core Strategy.

Other Matters

11. The Highway Authority has objected to the proposed advertisement displays on the grounds that the appeal site is affected by the highway improvement scheme for Willenhall Road which is currently being considered for funding by the Department for Transport. However, the standard condition set out in the Regulations grants advertisement consent for a period of five years and I have no further details of the timescale for the implementation of the road improvement scheme. The appellant is fully aware of the circumstances of the improvement scheme and of the Highway Authority's comments in that regard. In these circumstances, the highway improvement scheme has not been determinative in my overall assessment of the appeal proposal.

Conditions

12. I have considered the conditions suggested by the appellant against the advice on conditions set out in the Framework and the PPG.
13. In addition to the standard conditions set out in the Regulations, in the interests of the visual amenity of the surrounding area, conditions are required to control the illumination levels, hours of use, the length of display time and interval changes of the proposed displays and to prevent special effects from being used. A condition is also required to deal with instances where the displays malfunction.

Conclusion and Recommendation

14. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

Sarah Housden

INSPECTOR